

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Christopher Chen
Serial No: 10/065,776
Filed: November 18, 2002

Confirmation No 2410
Group: 3725
Examiner: Larson, Lowell
A.

OFFICIAL

For: Method and Apparatus for the
Processing of Used Tires and
Other Materials

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AUG 18 2004

Attorney	23399.0001
Docket No.	

RESPONSE TO RESTRICTION REQUIREMENT

VIA FACSIMILE: 703-872-9306
Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action mailed July 8, 2004 (Paper No. 6), Applicant hereby makes the following election:

Applicant elects Claims 18 to 47 for examination.

Applicant also respectfully traverses the grounds of the present restriction requirement.

The Patent Office has stated:

"Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 to 17, drawn to a method and apparatus for comminuting and separating material, classified in class 241, subclass 24.17.
- II. Claims 18 to 47, drawn to methods and apparatus for cryogenically reducing material, classified in class 241, subclass 23.
- III. Claims 48 to 52, drawn to a method of sorting particulate material, classified in class 209, subclass 233.

The inventions are distinct, each from the other because of the following reasons."

What 35 U.S.C. 121, the law, states in relevant part is: "If two or more independent and distinct inventions are claimed in one application, the Director may require the application to be restricted to one of the inventions." Note that 37 C.F.R. §§ 1.141 and 1.142 also speak of "independent and distinct" inventions. The Patent Office has only argued that the inventions are

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Attorney Docket No.: 23399.0001

represents two "independent" inventions, according to the definition of "independent" given in MPEP § 802.01.

A one-month extension of time is requested.

Dated: August 18, 2004.

Respectfully submitted,



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¹ Connecticut Nat'l Bank v. Germain, 112 S. Ct. 1146, 1149 (1992).